

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LATOYA W. O'NEAL and
HAROLD BUTLER,

Plaintiffs,

CASE NO. 08-10795
HON. LAWRENCE P. ZATKOFF

v.

CITY OF DETROIT and
ROOSEVELT TIDWELL,

Defendants.

ORDER TO REMAND IN PART

Plaintiffs filed their Complaint in the Wayne County Circuit Court on November 14, 2007. Defendants timely removed the action to this Court on February 26, 2008, based on federal-question jurisdiction under 28 U.S.C. § 1331 and the Court's pendent jurisdiction. Plaintiffs' Complaint contains the following four counts:

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| Count I | Battery (Defendant Tidwell only); |
| Count II | Intentional Infliction of Emotional Distress (Defendant Tidwell only); |
| Count III | Violation of 42 U.S.C. § 1983 (Defendant Tidwell only); and |
| Count IV | Municipal Liability Against Defendant City. |

The Court has subject-matter jurisdiction over Counts III and IV because they arise under federal law. 28 U.S.C. § 1331. Counts I and II, however, are based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over

Plaintiffs' state-law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiffs' parallel state claims for relief will result in the undue confusion of the jury. *See id.*; *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiffs' state-law claims (Counts I and II) are hereby REMANDED to the Wayne County Circuit Court. The Court retains jurisdiction over Plaintiffs' federal claims (Counts III and IV).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 13, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 13, 2008.

s/Marie E. Verlinde
Case Manager
(810) 984-3290